REMARKS

Please note for the record that inventor Lisa A. Buckman's name has been changed to Lisa A. Windover, her married name.

Claims 1-20 are pending in this application. Claims 1-4, 8, 9, and 14-16 have been rejected under 35 U.S.C. 102(b) as anticipated by Robertson patent 5,857,042. Claims 5-7, 10-13, and 17-20 have been rejected under 35 U.S.C. 103(a) as obvious over Robertson in view of Mays patent 6,853,812.

A Declaration Under 37 CFR 1.131 is attached, swearing behind the Mays reference. This Declaration is being submitted in accordance with MPEP 715.04. After diligent effort by several people, inventor Peters has not been located.

The "131" Declaration was not sooner filed because Applicants believed, in good faith, that they had fully distinguished Robertson and the combination of Robertson and Mays in the Amendment filed 9 August 2005. Since the Examiner disagreed with Applicants' position, this declaration became necessary.

For the reason that Mays is not a prior art reference under 35 U.S.C. 103(a), the discussion here will only concern the Robertson patent and those claims found by the Examiner to be anticipated by that reference. Applicants respectfully traverse the rejection of claims 1-4, 8, 9, and 14-16 as anticipated by Robertson.

One point of distinction between claim 1 and Robertson is the stated requirement of "an array of tightly-coupled multi-wavelength arrays of ... (VCSELS)," and "an array of tightly-coupled optical receiver arrays." The Examiner makes the statement that "Roberson teaches that said VCSEL array is configured as a tightly bound cluster of

VCSELS," referring to Fig. 11, as well as Figs. 3 and 9. That statement is not supported in Robertson. Tight coupling is never mentioned in this reference.

There is no basis for assuming that the emitters are tightly coupled or that the receivers are "tightly coupled," no matter what the drawing shows. One would have no reason to read "tightly coupled" into Robertson absent a hindsight reference to the instant application.

Even stronger is the argument that Fig. 11 does not show an "array of tightly-coupled, multi-wavelength arrays of ... (VCSE LS)." Even if one could make, and support, the technical argument that Figs. 3 and 9 of Robertson teach tightly-coupled arrays, Robertson does not disclose a "multi-wavelength array" of VCSELs, nor receiver arrays "wherein the wavelengths of the received signals generally match the wavelengths of the signals transmitted by said VCSEL arrays such that multiple optical wavelengths can be simultaneously communicated at high-speed from one of said VCSEL arrays across a very short haul channel." More specifically, Robertson makes no mention of multi-wavelength VCSELs, receivers, or signals. Robertson makes no mention at all of wavelengths (except in column 5, line 30, referring to a particular example, "850nm"), much less multi-wavelength signals. This reference does not even disclose how to discriminate one signal from another. The purpose of Robertson is to minimize alignment errors and he does so in ways that have nothing to do with the invention defined by Applicants' claim 1.

The whole purpose of Robertson is to reduce the level of crosstalk in a microchannel relay, as set out in the Background and the Summary in columns 1 and 2 of this reference. This is accomplished by intentionally misaligning the emitters and the receivers, resulting in some loss of signal, but reducing crosstalk (col. 4, lines 35-54).

Claims 2-4, 8, and 9 depend from claim 1 and patentably define over Robertson at least for the same reasons as advanced above.

Claim 14 calls for "an array of tightly-coupled, multi-wavelength arrays of ... (VCSELs)," and "an array of tightly coupled optical receiver arrays...wherein the wavelengths of the received signals generally match the wavelengths of the signals transmitted by said VCSEL arrays such that multiple optical wavelengths can be simultaneously communicated at high-speed from one of said VCSEL arrays across a very short haul channel." This language very clearly defines over Robertson for the reasons advance above with respect to claim 1.

Claim 15 and 16 depend from claim 14 and patentably define over Robertson at least for the same reasons.

New claim 21 has been added. This claim does not include the collimating optics, in accordance with Fig. 3 of the present application. Otherwise the language of claim 21 is the same as that of claim 1 and it patentably defines over Robertson for the reasons already stated above with respect to claim 1.

CONCLUSION

In view of the above claim amendments and discussion, Applicants submit that the rejections have been overcome and requests reconsideration. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

LISA A. WINDOVER et al.

By: 
Lawrence A. Maxham
Attorney for Applicants
Registration No. 24,483

THE MAXHAM FIRM
A PROFESSIONAL LAW CORPORATION
SYMPHONY TOWERS
750 'B' STREET, SUITE 3100
SAN DIEGO, CALIFORNIA 92101
TELEPHONE: (619) 233-9004
FACSIMILE: (619) 544-1246